

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION

1	UNITED STATES OF AMERICA,)	
2)	
3)	
4	Plaintiff,)	
5)	Case No. 09 CR 383
6	-vs-)	
7	ALFREDO VASQUEZ-HERNANDEZ and)	Chicago, Illinois
8	TOMAS AREVALO-RENTERIA,)	September 12, 2013
9)	11:03 a.m.
10	Defendants.)	

TRANSCRIPT OF PROCEEDINGS
BEFORE THE HONORABLE RUBEN CASTILLO

APPEARANCES:

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1 (Proceedings heard in open court:)

2 THE CLERK: 09 CR 383, United States versus Alfredo
3 Vasquez-Hernandez and Tomas Arevalo-Renteria.

4 THE COURT: Good morning.

11:03:51

5 MR. SHAKESHAFT: Good morning, your Honor. Tom
6 Shakeshaft on behalf of the United States.

7 MR. HERNANDEZ: Good morning, your Honor. Arturo
8 Hernandez on behalf of Mr. Vasquez-Hernandez who's present in
9 court to be assisted by the court interpreter.

11:04:03

10 THE COURT: Okay.

11 MR. BRAYMAN: Good morning, Judge. Paul Brayman and
12 Lisa Wood also on behalf of Mr. Vasquez. Good morning.

13 THE COURT: Let's swear in our interpreter.

11:04:17

14 MR. CHERONIS: Damon Cheronis on behalf of
15 Mr. Arevalo-Renteria.

16 (Interpreter sworn.)

17 THE COURT: Okay. We've already set a trial date in
18 this case, and I know the defense has filed several motions.
19 My intent would be to give the government some time to respond
20 in writing, Mr. Shakeshaft.

11:04:36

21 MR. SHAKESHAFT: Your Honor, the motions that they
22 filed, we did, in fact, respond.

23 THE COURT: Okay.

24 MR. SHAKESHAFT: I filed two responses.

11:04:44

25 THE COURT: Okay.

1 MR. SHAKESHAFT: When we were last before your Honor,
2 I had forgotten that we had actually responded to --

3 THE COURT: Okay. So you want to stand on those
4 responses.

11:04:50

5 MR. SHAKESHAFT: I do, and we've had numerous
6 conversations about those motions. They are -- they
7 originally were the motion for severance, which we agreed to.

8 THE COURT: Right.

11:05:02

9 MR. SHAKESHAFT: They're a motion for a Bill of
10 Particulars from Mr. Vasquez-Hernandez, which I understand
11 through counsel they're either prepared to withdraw or simply
12 have denied. We have walked through discovery, and I think
13 there's consensus.

14 THE COURT: Okay. Let's pause on that.

11:05:12

15 Are you willing to withdraw it?

16 MR. HERNANDEZ: Yes, your Honor. The only other item
17 that I needed to address the Court is the motion for severance
18 for Mr. Arevalo.

19 THE COURT: Okay.

11:05:21

20 MR. HERNANDEZ: I think the Court indicated at that
21 point was granting the motion -- was not granting the motion
22 without prejudice.

23 So if there's something new that we can file in the
24 near future, depending on what the --

11:05:35

25 THE COURT: So you want to renew that motion.

1 MR. HERNANDEZ: Correct.

2 THE COURT: Okay.

3 MR. HERNANDEZ: We'll just reserve that.

4 THE COURT: Okay.

11:05:41

5 MR. SHAKESHAFT: We continue to oppose it for the
6 reasons that --

7 THE COURT: I understand. Until there's a renewed
8 motion, I'm not going to address that.

9 We will withdraw the motion for Bill of Particulars.

11:05:52

10 And what does that leave, a discovery dispute?

11 MR. SHAKESHAFT: It leaves the discovery issues that,
12 frankly, there are no disputes that are ripe for the Court's
13 determination. I understood both motions to frankly be sort
14 of boilerplate.

11:06:07

15 THE COURT: Right.

16 MR. SHAKESHAFT: And the government's response to
17 that is that we are well aware of our *Brady*, *Giglio* and other
18 obligations. As I described to counsel, there is, I think --
19 we have produced what I would estimate as 90 to 95% of the
20 discovery.

11:06:18

21 THE COURT: Okay.

22 MR. SHAKESHAFT: The remainder is some 3500 and
23 *Giglio* material, which I have pledged to get to counsel in the
24 event that we are rolling towards a trial date.

11:06:31

25 I am not going to ask your Honor for delayed

1 discovery as we did previously. What I have proposed to
2 counsel is December 6th as a date for -- the trial date is
3 January 21st -- for all of the usual pretrial filings.

11:06:47

4 We have about an 85-page Santiago proffer already on
5 file which I would supplement, any 404(b), and a
6 representation that by December 6th, if not earlier, I will
7 produce all 3500 and *Giglio* material that is in the possession
8 of the government.

11:07:03

9 THE COURT: Okay. Are defense counsel satisfied with
10 the December 6th date?

11 MR. HERNANDEZ: Yes, your Honor, on behalf of
12 Vasquez-Hernandez.

13 MR. CHERONIS: That's fine with Mr. Arevalo, your
14 Honor.

11:07:14

15 MR. BRAYMAN: Judge, can I just address one issue --

16 THE COURT: Yes, Sure.

17 MR. BRAYMAN: -- as the trial date goes?

18 THE COURT: Absolutely.

11:07:20

19 MR. BRAYMAN: When the trial date was set in this
20 case of January 21st, I had a case pending before Judge Wilson
21 in state court. It's the NATO --

22 THE COURT: Okay.

11:07:31

23 MR. BRAYMAN: -- terrorist charge. And that was
24 supposed to go to trial in September; but, in the meantime,
25 because of discovery problems, that trial date has been

1 switched to January 6th.

2 THE COURT: Okay.

3 MR. BRAYMAN: And when I was before Judge Wilson, I
4 indicated that I was set on trial here for the 21st. And that
5 kind of fell on deaf ears, and he still kept January 6th in
6 that case as the trial date. And that trial will probably
7 last at least a month.

8 So I don't know what to do to solve this problem. I
9 guess I would ask if your Honor would consider changing this
10 trial date to a little bit longer so that I could do that
11 trial and complete that trial before we go to trial on this
12 case.

13 THE COURT: So the answer is I will consider it, but
14 I don't think I need to consider it just yet until we move a
15 little bit closer --

16 MR. BRAYMAN: Okay.

17 THE COURT: -- to the trial date. So -- but it seems
18 to me that I should do, unless you tell me that there is some
19 pending dispute that I need to resolve for you, is just set
20 another status date and have you come back here, and we should
21 talk again. And I think at that point, in fairness to you and
22 your trial preparation, we can talk about what your situation
23 is with the Judge Wilson case.

24 So I would suggest maybe coming back here the first
25 week in November.

1 MR. SHAKESHAFT: That is fine.

2 THE COURT: How about November 6th at 11:00 o'clock
3 again.

11:09:05

4 MR. SHAKESHAFT: That's fine with the government,
5 your Honor. We just ask that time be excluded.

6 THE COURT: Time will be excluded, given all the
7 issues that remain in this case and the ongoing work on both
8 sides to prepare for trial.

11:09:21

9 MR. CHERONIS: I'll be on trial that day, your Honor,
10 but I'll have somebody here.

11 THE COURT: Okay. That would be great.

12 MR. CHERONIS: I don't think there's going to be
13 anything --

14 THE COURT: I would appreciate that.

11:09:27

15 MR. SHAKESHAFT: Thank you, your Honor.

16 MR. HERNANDEZ: Thank you, your Honor.

17 THE COURT: Thank you very much.

18 (Which were all the proceedings heard.)

19 CERTIFICATE

20 I certify that the foregoing is a correct transcript from
21 the record of proceedings in the above-entitled matter.

22 /s/Kathleen M. Fennell

November 7, 2013

23

24 Kathleen M. Fennell
Official Court Reporter

Date

25